



General Assembly

***Substitute Bill No. 5065***

*February Session, 2002*

***AN ACT CONCERNING FLOODPLAIN MANAGEMENT AND HAZARD MITIGATION.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective October 1, 2002*) (a) As used in this  
2       section, "floodplain" means that area of a municipality located within  
3       the real or theoretical limits of the base flood or base flood for a critical  
4       activity, as determined by the municipality or the Federal Emergency  
5       Management Agency in its flood insurance study or flood insurance  
6       rate map for the municipality prepared pursuant to the National Flood  
7       Insurance Program (44 CFR Part 59 et seq.).

8       (b) Whenever a municipality, pursuant to the National Flood  
9       Insurance Program (44 CFR Part 59 et seq.), is required to revise its  
10      zoning regulation or any other ordinance regulating a proposed  
11      building, structure, development or use located in a floodplain, the  
12      revision shall provide for restrictions for flood storage and conveyance  
13      of water for floodplains that are not tidally influenced as follows:

14      (1) Within a designated floodplain, encroachments resulting from  
15      fill, new construction or substantial improvements, as defined in 44  
16      CFR Part 59.1, involving an increase in footprint to the structure are  
17      prohibited unless the applicant provides certification to the  
18      commission by a registered professional engineer that such  
19      encroachment shall not result in any increase in base flood elevation;

20 (2) The water holding capacity of the floodplain shall not be reduced  
21 by any form of development unless such reduction (A) is compensated  
22 for by deepening or widening the floodplain, (B) is on-site, unless  
23 adjacent property owners grant easements or the municipality in  
24 which the development is located authorizes off-site reduction, (C) is  
25 within the same hydraulic reach and a volume not previously used for  
26 flood storage, (D) is hydraulically comparable and incrementally equal  
27 to the theoretical volume of flood water at each elevation, up to and  
28 including the hundred year flood elevation, which would be displaced  
29 by the proposed project, and (E) has an unrestricted hydraulic  
30 connection to the same waterway or water body; and

31 (3) Work within adjacent land subject to flooding, including work to  
32 provide compensatory storage, shall not restrict flows resulting in  
33 increased flood stage or velocity. Any compensatory storage may be  
34 provided off-site if authorized by the municipality.

35 (c) Notwithstanding the provisions of subsection (b) of this section,  
36 a municipality may adopt more stringent restrictions for flood storage  
37 and conveyance of water for floodplains that are not tidally influenced.

38 Sec. 2. Section 16a-27 of the general statutes, as amended by section  
39 3 of public act 01-9 of the June special session, is repealed and the  
40 following is substituted in lieu thereof (*Effective October 1, 2002*):

41 (a) The secretary, after consultation with all appropriate state,  
42 regional and local agencies and other appropriate persons shall prior  
43 to March 1, 2003, complete a revision of the existing plan and enlarge it  
44 to include, but not be limited to, policies relating to transportation,  
45 energy and air. Any revision made after May 15, 1991, shall identify  
46 the major transportation proposals, including proposals for mass  
47 transit, contained in the master transportation plan prepared pursuant  
48 to section 13b-15. Any revision made after July 1, 1995, shall take into  
49 consideration the conservation and development of greenways that  
50 have been designated by municipalities and shall recommend that  
51 state agencies coordinate their efforts to support the development of a

52 state-wide greenways system. The Commissioner of Environmental  
53 Protection shall identify state-owned land for inclusion in the plan as  
54 potential components of a state greenways system. Any revision made  
55 after March 1, 2003, shall (1) take into consideration risks associated  
56 with natural hazards, including, but not limited to, flooding, high  
57 winds and wildfires; (2) identify the potential impacts of natural  
58 hazards on infrastructure and property; and (3) make  
59 recommendations for the siting of future infrastructure and property  
60 development to minimize the use of areas prone to natural hazards,  
61 including, but not limited to, flooding, high winds and wildfires.

62 (b) Thereafter on or before March first in each revision year the  
63 secretary shall complete a revision of the plan of conservation and  
64 development.

65 Sec. 3. Subdivision (4) of subsection (a) of section 7-536 of the  
66 general statutes, as amended by section 2 of public act 01-197, is  
67 repealed and the following is substituted in lieu thereof (*Effective*  
68 *October 1, 2002*):

69 (4) "Local capital improvement project" means a municipal capital  
70 expenditure project for any of the following purposes: (A) Road  
71 construction, renovation, repair or resurfacing, (B) sidewalk and  
72 pavement improvements, (C) construction, renovation, enlargement or  
73 repair of sewage treatment plants and sanitary or storm, water or  
74 sewer lines, including separation of lines, (D) public building  
75 construction other than schools, including renovation, repair, code  
76 compliance, energy conservation and fire safety projects, (E)  
77 construction, renovation, enlargement or repair of dams, bridges and  
78 flood control projects, (F) construction, renovation, enlargement or  
79 repair of water treatment or filtration plants and water mains, (G)  
80 construction, renovation or enlargement of solid waste facilities, (H)  
81 improvements to public parks, (I) the preparation and revision of local  
82 capital improvement plans projected for a period of not less than five  
83 years and so prepared as to show the general description, need and  
84 estimated cost of each individual capital improvement, (J)

85 improvements to emergency communications systems, (K) public  
 86 housing projects, including renovations and improvements and energy  
 87 conservation and the development of additional housing, (L)  
 88 renovations to or construction of veterans' memorial monuments, (M)  
 89 improvements to information technology systems to manage the  
 90 century date change effect, as defined in section 4d-16, (N) thermal  
 91 imaging systems, (O) bulky waste and landfill projects, [and] (P) the  
 92 preparation and revision of municipal plans of conservation and  
 93 development adopted pursuant to section 8-23, provided such plans  
 94 are endorsed by the legislative body of the municipality not more than  
 95 one hundred eighty days after adoption by the commission, and (Q)  
 96 floodplain management and hazard mitigation activities. "Local capital  
 97 improvement project" means only capital expenditures and includes  
 98 repairs incident to reconstruction and renovation but does not include  
 99 ordinary repairs and maintenance of an ongoing nature.

100 Sec. 4. (NEW) (*Effective October 1, 2002*) The Commissioner of  
 101 Environmental Protection shall develop guidelines to be used by  
 102 municipalities in revising ordinances restricting flood storage and  
 103 conveyance of water for floodplains that are not tidally influenced.  
 104 Such guidelines shall include, but not be limited to, a model ordinance  
 105 that may be used by municipalities to comply with the provisions of  
 106 section 1 of this act. The commissioner shall make the guidelines  
 107 available to the public.

108 Sec. 5. Subsection (d) of section 20-327b of the general statutes is  
 109 repealed and the following is substituted in lieu thereof (*Effective*  
 110 *October 1, 2002*):

111 (d) (1) The Commissioner of Consumer Protection, shall, by  
 112 regulations adopted in accordance with the provisions of chapter 54,  
 113 prescribe the form of the written residential disclosure report required  
 114 by this section and sections 20-327c to 20-327e, inclusive. The  
 115 regulations shall provide that the form include information concerning  
 116 municipal assessments, including, but not limited to, sewer or water  
 117 charges applicable to the property. Such information shall include: (i)

118 Whether such assessment is in effect and the amount of the  
119 assessment; (ii) whether there is an assessment on the property that  
120 has not been paid, and if so, the amount of the unpaid assessment; and  
121 (iii) to the extent of the seller's knowledge, whether there is reason to  
122 believe that the municipality may impose an assessment in the future.

123 (2) Such form of the written residential disclosure report shall  
124 contain the following:

125 (A) A certification by the seller in the following form:

126 "To the extent of the seller's knowledge as a property owner, the  
127 seller acknowledges that the information contained above is true and  
128 accurate for those areas of the property listed. In the event a real estate  
129 broker or salesperson is utilized, the seller authorizes the brokers or  
130 salespersons to provide the above information to prospective buyers,  
131 selling agents or buyers' agents.

T1 .... (Date) .... (Seller)

T2 .... (Date) .... (Seller)"

132 (B) A certification by the buyer in the following form:

133 "The buyer is urged to carefully inspect the property and, if desired,  
134 to have the property inspected by an expert. The buyer understands  
135 that there are areas of the property for which the seller has no  
136 knowledge and that this disclosure statement does not encompass  
137 those areas. The buyer also acknowledges that the buyer has read and  
138 received a signed copy of this statement from the seller or seller's  
139 agent.

T3 .... (Date) .... (Seller)  
T4 .... (Date) .... (Seller)"

140 (C) A statement concerning the responsibility of real estate brokers  
141 in the following form:

142 "This report in no way relieves a real estate broker of the broker's  
143 obligation under the provisions of section 20-328-5a of the Regulations  
144 of Connecticut State Agencies to disclose any material facts. Failure to  
145 do so could result in punitive action taken against the broker, such as  
146 fines, suspension or revocation of license."

147 (D) A statement that any representations made by the seller on the  
148 written residential disclosure report shall not constitute a warranty to  
149 the buyer.

150 (E) A statement that the written residential disclosure report is not a  
151 substitute for inspections, tests and other methods of determining the  
152 physical condition of property.

153 (F) Information concerning environmental matters such as lead,  
154 radon, subsurface sewage disposal, flood hazards and such other  
155 topics as the Commissioner of Consumer Protection may determine  
156 would be of interest to a buyer.

157 (G) A statement that information concerning the residence address  
158 of a person convicted of a crime may be available from law  
159 enforcement agencies or the Department of Public Safety and that the  
160 Department of Public Safety maintains a site on the Internet listing  
161 information about the residence address of persons required to register  
162 under section 54-251, 54-252, 54-253 or 54-254, who have so registered.

This act shall take effect as follows:	
Section 1	October 1, 2002

Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>
Sec. 4	<i>October 1, 2002</i>
Sec. 5	<i>October 1, 2002</i>

***PD******Joint Favorable Subst. C/R*****ENV**